

1 A bill to be entitled
 2 An act relating to homestead assessments; amending s.
 3 193.155, F.S.; revising criteria under which transfer of
 4 homestead property is not considered a change of
 5 ownership; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Subsection (3) of section 193.155, Florida
 10 Statutes, is amended to read:

11 193.155 Homestead assessments.--Homestead property shall
 12 be assessed at just value as of January 1, 1994. Property
 13 receiving the homestead exemption after January 1, 1994, shall
 14 be assessed at just value as of January 1 of the year in which
 15 the property receives the exemption unless the provisions of
 16 subsection (8) apply.

17 (3) Except as provided in this subsection or subsection
 18 (8), property assessed under this section shall be assessed at
 19 just value as of January 1 of the year following a change of
 20 ownership. Thereafter, the annual changes in the assessed value
 21 of the property are subject to the limitations in subsections
 22 (1) and (2). For the purpose of this section, a change of
 23 ownership means any sale, foreclosure, or transfer of legal
 24 title or beneficial title in equity to any person, except as
 25 provided in this subsection. There is no change of ownership if:

26 (a) Subsequent to the change or transfer, the same person
 27 is entitled to the homestead exemption as was previously
 28 entitled and:

29 | 1. The transfer of title is to correct an error;
 30 | 2. The transfer is between legal and equitable title; or
 31 | 3. The change or transfer is by means of an instrument in
 32 | which the owner is listed as both grantor and grantee of the
 33 | real property and one or more other individuals are additionally
 34 | named as grantee. However, if any individual who is additionally
 35 | named as a grantee applies for a homestead exemption on the
 36 | property, the application shall be considered a change of
 37 | ownership;

38 | (b) The transfer is between husband and wife, including a
 39 | transfer to a surviving spouse or a transfer due to a
 40 | dissolution of marriage;

41 | (c) The transfer occurs by operation of law under s.
 42 | 732.401 ~~732.4015~~; ~~or~~

43 | (d) Upon the death of the owner, the transfer is between
 44 | the owner and another who is a permanent resident and is legally
 45 | or naturally dependent upon the owner; or

46 | (e) Subsequent to the change or transfer, the transferor
 47 | or the transferor's spouse possesses legal or equitable title or
 48 | otherwise qualifies for the homestead exemption under s.
 49 | 196.031, so long as the transferor or the transferor's spouse
 50 | would meet the requirements of s. 196.031(1)(a) independently of
 51 | such transfer.

52 | Section 2. This act shall take effect July 1, 2009.